IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 3486 of 2004

Between:

1 Thotakura Venkata Bhaskara Rao, S/o. Nagabhushanam
2 Pothuluri Tirumala Rao S/o. Chandraiah
3 Mallikeswarapu Nagamalleswara Rao, S/o. Sambasiva Rao
4 Bezwada Murali Krishna, s/o. Raghavulu
5 Seelam Ravi Babu, S/o. Daveedu,
6 Bellam Kiran Kumar, S/o. Rama Swamy,
7 Ponugumathi Prabhakara Rao, S/o. Koteswara Rao
8 Madu Hussain, S/o. Jogaiah
9 Bellam Srinivasa Rao, S/o. Rama Swamy
10 Borra Bhavani Siva Sankara Rao, S/o. Venkata Ramanayya
11 Chenumolu Anand Kumar, S/o. Kaleswara Rao
(All the Petitioners are employed in Sri Krishna Kumari Bus Service, Poranki (V) and Mandal, Krishna District)

..... PETITIONER(S)

AND

1 The APSRTC, rep by its Vice Chairman and Managing Director, Musheerabad, Hyderabad.
2 The APSRTC, rep by its Regional Manager Krishna Region,. Vijayawada, Krishna District.
3 The APSRTC, rep by its Regional Manager Guntur Region, Guntur, Guntur District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or direction more particularly one in the nature of writ of Mandamus or

any other appropriate writ, declaring the action of the respondents in not considering the cases of the petitioners for absorption in any suitable posts in A.P.S.R.T.C is arbitrary, illegal, violative of Article 14,16 and 21 of the Constitution of India and Contrary to the Judgments of this Hon'ble Court consequently direct the respondents to appoint the petitioners in the APSRTC Corporation in any suitable posts forthwith.

Counsel for the Petitioners: MR.METTACHENDRA SEKHAR RAO

Counsel for the Respondents: MR.VENKATESWARLU POSANI

The Court made the following :

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

ORAL ORDER:

The petitioners have filed this writ petition seeking a Mandamus to declare the action of the respondents in not considering their cases for absorption in any suitable posts in A.P.S.R.T.C. as arbitrary and illegal.

Heard both the counsel appearing for the petitioners as well as

the respondents.

It is stated that the 1st, 2nd, 7th and 8th petitioners worked as Drivers; the 3rd, 4th and 9th petitioners worked as Conductors; the 5th and 10th petitioners worked as Cleaners and the 6th and 11th petitioners worked as Conductors-cum-Supervisors in private buses bearing Nos. AP 16W 6564 & AP 16W 4455 respectively which plied on the route from Nidamanuru to Thrishakthipeetam Via Poranki and Poranki to Bhavani Temple. It is further stated that the said route was nationalized with effect from 28.1.2000. Therefore, the owners of the said buses, B.Prasad and B.Venkateswara Rao have stopped plying their buses due to the nationalization of the said route and A.P.S.R.T.C, being the beneficiary in the nationalization of the route, plying its buses in the said route. It is also stated that due to nationalization of the said route, vide G.O.Ms.Nos.15 and 16, Transport, Roads and Building (Tr-III), Dated 27.1.2000, the petitioners have lost their employment and they have made representation. It is submitted that the petitioners are entitled to any suitable posts in the respondent-Corporation as per the scheme of nationalization. Though it is stated that the petitioners made their representation, no such copy has been filed.

Having regard to the facts and circumstances of the case, the petitioners are directed to file a representation to consider their cases for absorption in any suitable posts in the respondent-Corporation within four weeks from the date of receipt of a copy of this order if not already filed and on such representation, the respondents are directed to consider the same and pass appropriate orders in accordance with law and relevant rules.

The writ petition is accordingly disposed of. No costs.

(V.ESWARAIAH,J.)

30th August, 2004.

Bcj/dsk

To

1 The Vice Chairman and Managing Director, APSRTC, Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC, Krishna Region, Vijayawada, Krishna District,.
3 The Regional Manager, APSRTC, Guntur Region, Guntur, Guntur District.

4. Two C.D. copies